

NORTH HAVEN PLANNING BOARD

SPECIAL MEETING AGENDA

May 29, 2019

Town Office

1. Call to Order

6:03pm public hearing opened. Seeing no public attendance, hearing closed 6:09pm. Special Meeting called to order 6:09pm

2. John Brown Farm Subdivision Final Plan: Planning Board Conclusions:

a. Findings of Fact: re NH Subdivision Ordinance: that Art.1- Sec. 1.2, "Review Criteria" have been met.

Motion by Jeff to use the Statutory Review Criteria from the North Haven Subdivision Ordinance to review the final plan for the John Brown Farm Subdivision. Seconded by Melissa. Approved 5-0.

1.2 Statutory Review Criteria.

When reviewing any application for a subdivision, the Planning Board shall find that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Zoning Land Use Ordinance and other sections of this Regulation Ordinance have been met, before granting approval. In reviewing an application, the Board shall ensure the proposed project:

- A. Shall not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - 1. The elevation of the land above sea level and its relation to the flood plains,
 - 2. The nature of soils and subsoils and their ability to adequately support waste disposal,
 - 3. The slope of the land and its effect on effluents,
 - 4. The proximity of streams for disposal of effluents, and
 - 5. The applicable State and local health and water resources rules and regulations;

The Planning Board finds that this subdivision will create no undue water or air pollution.

- B. Has sufficient water resources available for reasonable and foreseeable needs of the subdivision,

The Planning Board received a letter from Haskell's Well Drilling, dated April 23, 2019, attesting to sufficient water resources.

- C. Will not cause an unreasonable burden on an existing public water supply or on the water supplies of abutting properties, as applicable,

The Planning Board finds this subdivision will not create an unreasonable burden on the water supply of abutting properties. No public water supply exists on or near this subdivision.

- D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results,

Planning Board finds this to be inapplicable.

- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section; as amended for state criteria,

Planning Board finds this to be inapplicable.

- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized,

Planning Board determines that the survey map included in the final plan determines that adequate sewage waste disposal is attainable.

- G. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized,

Planning Board finds this to be inapplicable.

- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline,

Planning Board finds this to be inapplicable.

- I. Will be in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans,

Planning Board finds that this subdivision is in conformance with applicable local ordinances.

- J. That the developer has adequate financial and technical capacity to ensure that the proposed subdivision will meet the standards of this section,

Planning Board finds this to be inapplicable.

- K. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground or surface waters,

Planning Board determines there is no indication of impact on quality or quantity of ground or surface waters.

- L. Indicates whether the subdivision will be located in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, as well as information presented by the applicant. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include, as a condition of plan approval, a requirement that principal structures in the

subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation,

Planning Board finds this to be inapplicable.

- M. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district,

The survey map included in the final plan shows distinct boundaries of wetlands. The Planning Board determines there is no indication of potential impact.

- N. Any stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9,

The survey map included in the final plan clearly identifies streams and brooks in the proposed subdivision. The Planning Board determines there is no indication of potential impact.

- O. Shall provide for adequate storm water management,

Planning Board finds this to be inapplicable.

- P. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, Fresh Pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1,

Planning Board finds that this ratio has not been exceeded.

- Q. The long-term cumulative effects of the proposed subdivision shall not unreasonably increase Fresh Pond's phosphorus concentration during the construction phase and life of the proposed subdivision,

Planning Board finds this to be inapplicable.

- R. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Planning Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

Planning Board finds this to be inapplicable.

**Jeff made a motion to accept the findings of fact from Art.1- Sec. 1.2. Seconded by Zeb.
Approved 5-0.**

b. That NH Sub. Ord.: Art. 10 - "Performance and Design Standards" have been met.

Jeff made a motion to determine that Performance and Design Standards have been met. Seconded by Zeb. Approved 5-0.

c. That other applicable sections of the NH Subdivision Ordinance have been met.

Jeff made a motion to determine that all other applicable sections of the NH Subdivision Ordinance have been met. Seconded by Zeb. Approved 5-0.

d. That Subdivision Criteria of Title 30-A M.R.S.A., §4404, have been met.

Jeff made a motion that the criteria of Title 30-A M.R.S.A., §4404, have been met. Seconded by Zeb. Approved 5-0.

e. That all applicable NH Zoning Land Use Ordinance Provisions have been Met.

Jeff made a motion that all applicable NH Zoning Land Use Ordinance Provisions have been met. Seconded by Zeb. Approved 5-0

3. Approve the John Brown Farm Subdivision Final Plan

Zeb made a motion to approve the John Brown Farm Subdivision Final Plan. Seconded by Jeff. Approved 5-0.

Other: The waivers that have been applied to this subdivision, approved by the Planning Board on April 10, 2019, need to be applied to the final survey map that is recorded in the registry of deeds.

4. Adjourn

Motion by Zeb to adjourn at 6:31. Seconded by Jeff. Approved 5-0.